

* **HIGH COURT OF DELHI AT NEW DELHI**

+ **C. M. (M) 933/2015**

Decided on: 6th October, 2015

SMT. TARA DEVI & ORS. Petitioners

Through: Mr. S.N. Parashar, Advocate.

Versus

SH. PINTOO & ORS. Respondents

Through: Nemo.

CORAM:
HON'BLE MR. JUSTICE V.K. SHALI

V.K. SHALI, J. (ORAL)

CM APPL.22370/2015 (exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

C. M. (M) 933/2015

1. This is a petition under Article 227 of the Constitution of India filed by the petitioner against the order dated 31.08.2015.
2. I have heard the learned counsel for the petitioners. The learned counsel for the petitioners has contended that petitioner No.1 has entered into an agreement to purchase one property and therefore,

she is requiring the money to be paid to the seller. Accordingly, it has been prayed by her that the remaining amount of Rs.2,65,000/- be released to her which has been kept in an FDR.

3. I have considered the submissions and gone through the record.
4. The husband of petitioner No.1 had died in a motor vehicles accident and the Claimants including the present petitioner had filed a petition under the Motor Vehicles Act, 1988 for grant of compensation. This petition was allowed on 04.02.2015 by the learned MACT-2, Patiala House Courts, New Delhi and the petitioner and other legal heirs were awarded a total compensation of approximately Rs.8,59,000/-. Out of this amount, the petitioner was to be given 50% of the amount while as the balance was to be given to petitioners No.2,3,4, 5 and petitioner No.6. Petitioners No.2,3,4 and 5 were the children of the deceased while petitioner No.6 is the mother of the deceased. Out of the balance amount of 50%, 40% of the amount was directed to be released to the petitioner upfront while the balance 10% amount was kept in a fixed deposit so as to ensure that the money is not frittered away, especially in the light of the fact that petitioner No.1, the widow

had liability of maintaining her children. The learned Claims Tribunal had passed the aforesaid directions keeping in view the ratio of the Apex Court in *Jai Prakash v. National Insurance Company Limited & Ors.*, 2010 (2) SCC 607.

5. The petitioner had filed an application for release of this amount of Rs.2,65,000/- seeking breaking of the FDR and the grant of amount to her on the plea that she had to pay a sum of Rs.2,65,000/- to the seller by 29th August, 2015, which application was dismissed by the learned Presiding Officer holding that the amount has to be disbursed in terms of the award of the learned Claims Tribunal only. However, still in the interest of justice, one FDR which was to mature on 20.03.2016 was directed to be released to her prematurely to augment immediately her condition.
6. I have not found anything irregular or improper or any jurisdictional error in rejecting the application of the petitioner because of the fact that the petitioner has been denied the grant of entire money which has been kept in FDR. The reasons for this are only in the larger interest of the petitioner herself and her children.

7. Therefore, I feel that the present petition is totally misconceived and the same is dismissed.
8. File be consigned to record room.

OCTOBER 06, 2015
vk

V.K. SHALI, J.